

Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock

McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Messer
Mitchell
Moonen (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Rohy
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford

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Barragán
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Beyer
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Butterfield
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Carson (IN)
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Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
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Clay
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Clyburn
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Connolly
Conyers
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Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
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Delaney
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DeBene

Demings
DeSaulnier
Deutch
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Doggett
Doyle, Michael
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Frankel (FL)
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Green, Al
Green, Gene
Grijalva
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Hanabusa
Hastings
Heck
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
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Kennedy
Khanna
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Kind
Krishnamoorthi
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Langevin
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Lawson (FL)
Lee
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Lieu, Ted
Lipinski
Loebbeck
Lofgren
Lowenthal
Lowe
Lujan Grisham,
M.
Luján, Ben Ray
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Maloney,
Carolyn B.
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O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
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Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond

Rosen
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Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)

Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Swailwell (CA)
Takano
Thompson (CA)
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Titus
Tonko
Torres

Tsongas
Vargas
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Chaffetz
Comstock
Cummings
Gabbard

Granger
Higgins (NY)
Johnson, Sam
Larsen (WA)
Long
Meehan

Napolitano
Scalise
Weber (TX)
Wilson (FL)

□ 1442

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, I was unable to vote on rollcall No. 313. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent during roll call votes No. 311, No. 312, and No. 313 due to my spouse's health situation in California. Had I been present, I would have voted "nay" on the Motion to Table the Appeal of the Ruling of the Chair. I would have also voted "nay" on the Motion on Ordering the Previous Question on the Rule providing for consideration of both H.R. 1873 and H.R. 1654. I would have also voted "nay" on H. Res. 392—Rule providing for both H.R. 1873—Electricity Reliability and Forest Protection Act and H.R. 1654—Water Supply Permitting Coordination Act.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

FIXING INTERNAL RESPONSE TO
MISCONDUCT ACT

Mr. HIGGINS of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2131) to amend the Homeland Security Act of 2002 to direct the Chief Human Capital Officer of the Department of Homeland Security to improve consistency regarding discipline and adverse actions in the Department's workforce, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fixing Internal Response to Misconduct Act" or the "DHS FIRM Act".

SEC. 2. DHS POLICY ON DISCIPLINE AND ADVERSE ACTIONS.

(a) IN GENERAL.—Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended—

(1) in subsection (b)—

(A) in paragraph (9), by striking "and" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following new paragraph:

"(1) implement a Department-wide policy related to discipline and adverse actions described in subsection (e).";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) POLICY ON DISCIPLINE AND ADVERSE ACTIONS.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this subsection, the Chief Human Capital Officer, in accordance with any established Department-wide policy that deals with discipline and adverse actions, shall provide—

"(A) guidance to the senior human resources official overseeing discipline and adverse actions for headquarters personnel and non-component entities, as identified by the Chief Human Capital Officer, and relevant component heads regarding informing the public about how to report employee misconduct;

"(B) guidance on how Department employees should report employee misconduct;

"(C) guidance on the type, quantity, and frequency of data regarding discipline and adverse actions to be submitted to the Chief Human Capital Officer by the senior human resources official overseeing discipline and adverse actions for headquarters personnel and non-component entities, as identified by the Chief Human Capital Officer and component heads for the purposes of paragraph (3)(C);

"(D) guidance on how to implement any such Department-wide policy in a manner that promotes greater uniformity and transparency in the administration of such policy across the Department; and

"(E) guidance and appropriate training on prohibited personnel practices, employee rights, and procedures and processes related to such.

"(2) TABLE OF OFFENSES AND PENALTIES.—

"(A) PRE-EXISTING TABLES.—If a table of offenses and penalties exists for a component of the Department as of the date of the enactment of this subsection, the Chief Human Capital Officer shall review and, if appropriate, approve such table and any changes to such table made after such date of enactment. In cases in which such tables do not comply with Department policy, the Chief Human Capital Officer shall instruct component heads on corrective measures to be taken in order to achieve such compliance.

"(B) NEW COMPONENT TABLES.—If a table of offenses and penalties does not exist for a component of the Department as of the date of enactment of this subsection, a component head may, in coordination with the Chief Human Capital Officer, develop a table of offenses and penalties to be used by such component. The Chief Human Capital Officer shall review and, if appropriate, approve such table and any changes to such table made after such date of enactment. In cases in which such tables or changes do not comply with Department policy, the Chief Human Capital Officer shall instruct the component head on corrective measures to

be taken in order to achieve such compliance.

“(3) COMPONENT RESPONSIBILITIES.—Component heads shall comply with Department-wide policy (including guidance relating to such) regarding discipline and adverse actions for the Department’s workforce, including—

“(A) providing any current table of offenses and penalties or future changes to a component’s table to the Chief Human Capital Officer for review in accordance with paragraph (2)(A);

“(B) providing any new table of offenses and penalties or future changes to a component’s table to the Chief Human Capital Officer for review in accordance with paragraph (2)(B); and

“(C) providing to the Chief Human Capital Officer any data regarding discipline and adverse actions in accordance with paragraph (1)(C).

“(4) OVERSIGHT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Chief Human Capital Officer shall implement a process to oversee component compliance with any established Department-wide policy regarding discipline and adverse actions referred to in paragraph (1), including—

“(i) the degree to which components are complying with such policy; and

“(ii) at a minimum, each fiscal year, a review of component adjudication of misconduct data to—

“(I) ensure consistent adherence to such policy and any Department-wide table of offenses and penalties or any component-specific table of offenses and penalties approved by the Chief Human Capital Officer pursuant to paragraph (2); and

“(II) determine whether employee training regarding such misconduct policy or adjustment in such misconduct policy is appropriate.

“(B) WORKING GROUPS.—

“(i) IN GENERAL.—The Chief Human Capital Officer may establish working groups, as necessary, to address employee misconduct within the Department. If the Chief Human Capital Officer establishes such a working group, the Chief Human Capital Officer shall specify a timeframe for the completion of such group’s work.

“(ii) FUNCTION.—A working group established pursuant to clause (i) shall seek to identify any trends in misconduct referred to in such subparagraph, review component processes for addressing misconduct, and, where appropriate, develop possible alternate strategies to address such misconduct.

“(iii) PARTICIPATION.—If a working group is established pursuant to clause (i), the relevant component head shall participate in such working group and shall consider implementing, as appropriate, any recommendations issued by such working group.

“(iv) FOLLOW-UP REVIEWS.—The Chief Human Capital Officer shall conduct annual, or on a more frequent basis as determined by the Chief Human Capital Officer, follow-up reviews of components regarding implementation of working group recommendations. In consultation with the Chief Human Capital Officer, the Secretary may request the Inspector General of the Department to investigate any concerns identified through the oversight process under this subsection that components have not addressed.”.

(b) REVIEW.—Not later than 60 days after the development of the oversight process required under subsection (e) of section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) (as added by subsection (a) of this section), the Chief Human Capital Officer of the Department of Homeland Security shall provide to the Committee on Homeland Security

of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on such oversight process, including component compliance with any policy regarding discipline and adverse actions, data collection efforts, and information on the development of any working groups under such subsection (e).

(c) PROHIBITION ON NEW FUNDING.—No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized

The SPEAKER pro tempore (Mr. MITCHELL). Pursuant to the rule, the gentleman from Louisiana (Mr. HIGGINS) and the gentleman from California (Mr. CORREA) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

□ 1445

GENERAL LEAVE

Mr. HIGGINS of Louisiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HIGGINS of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak about my bill, H.R. 2131, the Fixing Internal Response to Misconduct Act, or the Department of Homeland Security FIRM Act, for short.

Mr. Speaker, employee misconduct and unethical behavior at any Federal agency can disrupt the daily operations of our government; however, these activities can have greater national security implications at Federal agencies like the Department of Homeland Security due to its intrinsic mission. Incidents of employee misconduct within DHS do not only hinder the public’s confidence in the Department, but also jeopardize the day-to-day working environment for Department of Homeland Security employees.

Since its inception, DHS has faced significant obstacles consolidating 22 preexisting component agencies, including instilling common, across-the-board policies. Time and again, the DHS Office of Inspector General has criticized the Department’s lack of consistent policies.

Until recently, the Department was operating without an across-the-board overarching misconduct policy, and headquarters and a major component were operating without the assistance of a Table of Offenses and Penalties.

Issued in November 2016, the Department’s discipline and adverse actions program directive put in place a Departmentwide policy to provide guidance in the adjudication and management of disciplinary matters.

My bill, H.R. 2131, will strengthen and support this policy by granting greater oversight to the Chief Human Capital Officer of the Department, allowing the CHCO to identify trends and causes of persistent employee misconduct and to establish working groups to address such misconduct.

H.R. 2131 promotes greater consistency in the use of discipline and adverse actions and improves collaboration between the CHCO components and human resources officials regarding the improvement of employee conduct at the Department of Homeland Security.

Mr. Speaker, I urge all of my colleagues to support this bill to help ensure any misconduct and unethical behavior at DHS is properly dealt with.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,

Washington, DC, June 21, 2017.

Hon. MICHAEL T. MCCAUL,

Chairman, Committee on Homeland Security,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Oversight and Government Reform in matters being considered in H.R. 2131, the DHS Fixing Internal Response to Misconduct (FIRM) Act.

Our committee recognizes the importance of H.R. 2131 and the need for the legislation to move expeditiously. Therefore, while we have identified matters of jurisdictional interest to the Oversight Committee in the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Oversight and Government Reform.

The Committee on Oversight and Government Reform is currently investigating disciplinary processes and procedures, including disparate tables of penalties, across the federal government. Any government-wide table of penalties created by legislation stemming from the Oversight Committee shall supersede the tables established under this legislation. I look forward to working with you to ensure a uniform, consistent, and effective disciplinary process for federal employees across the civil service.

The Oversight Committee has historically been a strong defender of the Inspector General community. It is our understanding that nothing in this legislation creates a negative inference related to the authority of other Inspectors General under the Inspector General Act of 1978 at other departments and agencies within the federal government. I appreciate your willingness to work together to ensure that all Inspectors General are given the authority needed to accomplish their important mission.

I ask that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the committee report for H.R. 2131 and as part of the Congressional Record during consideration of this bill by the House. The Committee on Oversight and Government Reform also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

TREY GOWDY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 21, 2017.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Govern-
ment Reform, Washington, DC.

DEAR CHAIRMAN GOWDY: Thank you for your letter regarding H.R. 2131, the "Fixing Internal Response to Misconduct Act." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Oversight and Government will forego seeking a sequential referral of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Oversight and Government Reform does not waive any jurisdiction it may have over the subject matter contained in this bill or similar legislation in the future.

Additionally, the Committee expects that any table of offenses or penalties created by the Director of the Office of Personnel Management for government-wide application shall supersede any table created at any component of the Department, including any Department-wide guidance on such tables, and shall be used at all entities of the Department, although the Department or its components may provide an additional table of offenses and penalties subject to the requirements of subparagraphs (A) and (B) entitled "Pre-Existing Tables" and "New Component Tables" respectively, for offenses not listed in the government-wide table.

Furthermore, this legislation authorizes the Inspector General of the Department, within their existing authorities under the Inspector General Act of 1978, to issue management alerts regarding misconduct to the Secretary. The Committee does not intend to create any negative inference related to the authority of other Inspector Generals with this provision. The Committee intends to reinforce authorities already existing in the Inspector General Act of 1978. The Committee strongly opposes the citation of this provision to cast any inference on Inspector Generals at other departments and agencies that would negatively impact their ability to accomplish their missions.

I will insert copies of this exchange in the report or in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL.

Mr. CORREA. Mr. Speaker, I rise in support of H.R. 2131, the DHS FIRM Act, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 2131, or the DHS FIRM Act, seeks to ensure greater consistency and transparency in how discipline is administered across the Department of Homeland Security. Discipline administered in a fair and equitable manner has a huge implication on job satisfaction.

Since 2003, DHS, a diverse, multimission Federal Department, has struggled with low morale. At the end of the prior administration, there was evidence that the DHS workforce was starting to feel a more fair and cooper-

ative and supportive DHS. In 2016, the Office of Personnel Management reported a 3 percent increase in the annual Employee Viewpoint Survey, which indicated that DHS supported fairness and protection of employees from arbitrary action.

While the OPM survey results are positive indicators, more must be done by the current DHS leadership. This bill seeks to give the Department's Chief Human Capital Officer a more prominent role in ensuring that discipline is handled in an equitable and fair manner. Specifically, this bill charges the Chief Human Capital Officer with oversight of how employee misconduct is managed across all components.

To ensure fairness and transparency, the bill requires each component to accomplish a matrix of offenses and penalties that is tailored to the needs of that organization, and upon approval by the Department's Chief Human Capital Officer, such information to be shared with the workforce.

While it is essential that senior-level human capital personnel at DHS have a structure to address discipline, it is equally important that such discipline be administered in a fair and equitable manner. This is what this bill actually does.

Mr. Speaker, the implementation of a Departmentwide discipline and adverse action policy should improve employer and employee relations and communication. Enacting this legislation will send a message of support for the Department's workforce who, every day, do things big and small to guard our country against terrorists and other bad actors. These Department personnel are entrusted with the security of our Nation.

Mr. Speaker, I urge passage of H.R. 2131, and I yield back the balance of my time.

Mr. HIGGINS of Louisiana. Mr. Speaker, I thank my colleague for his wisdom and counsel.

I once again urge my colleagues to support H.R. 2131, as amended.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. HIGGINS) that the House suspend the rules and pass the bill, H.R. 2131, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DHS ACQUISITION REVIEW BOARD ACT OF 2017

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1282) to amend the Homeland Security Act of 2002 to establish Acquisition Review Boards in the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Acquisition Review Board Act of 2017".

SEC. 2. ACQUISITION REVIEW BOARD.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

"SEC. 836. ACQUISITION REVIEW BOARD.

"(a) IN GENERAL.—The Secretary shall establish an Acquisition Review Board (in this section referred to as the 'Board') to—

"(1) strengthen accountability and uniformity within the Department acquisition review process;

"(2) review major acquisition programs; and

"(3) review the use of best practices.

"(b) COMPOSITION.—The Under Secretary for Management shall serve as chair of the Board. The Secretary shall also ensure participation by other relevant Department officials, including at least two component heads or their designees, as permanent members of the Board.

"(c) MEETINGS.—The Board shall meet regularly for purposes of ensuring all acquisitions processes proceed in a timely fashion to achieve mission readiness. The Board shall convene at the Secretary's discretion and at any time—

"(1) a major acquisition program—

"(A) requires authorization to proceed from one acquisition decision event to another throughout the acquisition life cycle;

"(B) is in breach of its approved requirements; or

"(C) requires additional review, as determined by the Under Secretary for Management; or

"(2) a non-major acquisition program requires review, as determined by the Under Secretary for Management.

"(d) RESPONSIBILITIES.—The responsibilities of the Board are as follows:

"(1) Determine whether a proposed acquisition has met the requirements of key phases of the acquisition life cycle framework and is able to proceed to the next phase and eventual full production and deployment.

"(2) Oversee whether a proposed acquisition's business strategy, resources, management, and accountability is executable and is aligned to strategic initiatives.

"(3) Support the person with acquisition decision authority for an acquisition in determining the appropriate direction for such acquisition at key acquisition decision events.

"(4) Conduct systematic reviews of acquisitions to ensure that such acquisitions are progressing in compliance with the approved documents for their current acquisition phases.

"(5) Review the acquisition documents of each major acquisition program, including the acquisition program baseline and documentation reflecting consideration of trade-offs among cost, schedule, and performance objectives, to ensure the reliability of underlying data.

"(6) Ensure that practices are adopted and implemented to require consideration of trade-offs among cost, schedule, and performance objectives as part of the process for developing requirements for major acquisition programs prior to the initiation of the second acquisition decision event, including, at a minimum, the following practices:

"(A) Department officials responsible for acquisition, budget, and cost estimating